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May 31, 2007

By Hand

The Honorable Joseph J. Farnan, Jr.
United States District Court for the District of Delaware
844 King Street
Lock Box 27
Wilmington, DE 19801

Re: The Bank of New York as Indenture Trustee v. Foamex International, Inc.
et al. C.A. 07-212

Dear Judge Farnan:

I represent The Bank of New York, as Indenture Trustee, appellant in the above-referenced appeal from the United States Bankruptcy Court for the District of Delaware ("Bankruptcy Court"). I write to request that the parties to this appeal be excused from complying with this Court's standing order, *In re: Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District*, issued on July 23, 2004.

This appeal involves a single legal issue of contract interpretation. The Bankruptcy Court made its decision based on the papers submitted by the parties and oral argument by counsel; no evidence was submitted to the court below. For this reason, and because the parties attempted to resolve this matter prior to litigating the issue in the Bankruptcy Court, The Bank of New York does not believe that mediation will assist in resolving the dispute between the parties.

We have conferred with appellees, represented by Young Conaway Stargatt & Taylor, LLP, who concur with the request made in this letter. Indeed, both parties expressed this position to Mr. Stratton, the Court-appointed mediator. Mr. Stratton agreed to hold in abeyance the scheduling of a mediation session so that the parties could make this request of the Court.

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Should the Court look favorably upon this request, I have enclosed a proposed form of order granting the relief sought by the parties. Of course, both Ms. Morgan and I are available at the Court's convenience to answer any questions the Court may have.

Respectfully,

A handwritten signature in black ink, appearing to read "Laurie Selber Silverstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laurie Selber Silverstein

LSS/cmb

Enclosure (form of order)

cc: David B. Stratton, Esq. (by hand) (w/encl.)
Pauline K. Morgan, Esq. (by hand) (w/encl.)
Glenn E. Siegel, Esq. (by email) (w/encl.)

Pac#796974

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

-----X)	
In re:)	Chapter 11
)	
FOAMEX INTERNATIONAL INC.)	Case No. 05-12685 (KG)
)	
Reorganized Debtor.)	
-----X)	
)	
THE BANK OF NEW YORK, AS INDENTURE)	Civil Action No. 07-212 (JJF)
TRUSTEE,)	
)	
Appellant,)	
)	
v.)	
)	
FOAMEX INTERNATIONAL INC.)	
)	
Appellee.)	
)	
-----X)	

**ORDER (I) EXCUSING THE PARTIES FROM THE MEDIATION
REQUIREMENTS OF THIS COURT'S JULY 23, 2004 STANDING
ORDER, AND (II) ESTABLISHING A BRIEFING SCHEDULE**

Upon consideration of the joint request of the above-captioned appellant (the "Appellant") and appellee (the "Appellee") to be excused from the mediation requirements of this Court's July 23, 2006 standing order and to establish a briefing schedule in this appeal; IT IS HEREBY ORDERED this _____ day of _____, 2007, that:

1. The parties are excused from the mediation requirements of this Court's July 23, 2004 standing order.
2. In accordance with Rule 8009(a)(1) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), the Appellant's opening brief (the "Appellant's Brief") shall be due within fifteen days after entry of this order.

3. In accordance with Bankruptcy Rule 8009(a)(2), the Appellee's answering brief (the "Appellee's Brief") shall be due within fifteen days after service of the Appellant's Brief.

4. In accordance with Bankruptcy Rule 8009(a)(3), the Appellant's reply brief shall be due within ten days after service of the Appellee's Brief.

5. Entry of this order shall be without prejudice to the right of the Appellant or the Appellee to seek an extension of the deadlines set forth herein.

Dated: _____, 2007
Wilmington, Delaware

Joseph J. Farnan
United States District Judge